

Remarks/Arguments

In response to the Office Action mailed July 27, 2004, Applicant submits this Amendment. A complete listing of all pending claims is submitted herewith.

In the Office Action, Claims 1-41 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite. The Examiner indicated that Claims 2-12 and 35 were not subject to a prior art rejection. Claims 1, 15, 16-21, 25, 26, and 36-41 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,338,737 to Toledano (the "Toledano" patent). Claims 21-24 are rejected under 35 U.S.C. § 103(e) as being unpatentable over Toledano in view of U.S. Patent No. 6,716,233 to Whitman (the "Whitman" patent). Claims 27, 28, 30, 32 and 33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Toledano in view of U.S. Patent No. 4,612,933 to Brinkerhoff et al. (the "Brinkerhoff patent"). Claims 29 and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Toledano in view of Brinkerhoff, further in view of U.S. Patent No. 4,848,637 to Pruitt (the "Pruitt" patent). Claim 34 is rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,159,146 to El Gazayerli (the "El Gazayerli" patent) in view of U.S. Patent Publication 2001/0054636 to Nicolo (the "Nicolo" application.)

By this amendment, Claims 1, 3-5, 8, 17, 28, 31, and 35-36 have been amended. (Claims 17, 28 and 36 have been amended to remove multiple dependencies, and not for reasons of patentability.) Claim 2 has been cancelled without prejudice. No new matter has been added by the amendments.

For reasons to be set forth below, it is requested that the rejections be withdrawn and that claims 1 and 3-41 be allowed to issue.

The Rejection under 35 U.S.C. § 112

Claims 1-41 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claims 1 and 31 have been amended, and are believed to overcome the rejection under 35 U.S.C. § 112. Withdrawal of the rejection is respectfully requested.

The Rejection under 35 U.S.C. § 102

Claims 1, 15, 16-21, 25, 26, and 36-41 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,338,737 to Toledano (the “Toledano” patent).

In the Office Action, subject matter was identified by the Examiner in claims 2-12 and 35 which was not subject to a prior art rejection. Claim 1 has been amended to substantially incorporate the elements of claim 2, thereby placing claim 1 in condition for allowance. Claim 2 has been cancelled. Claims 3, 4, 5, 8, 35 have been amended to depend from claim 1. Claims 15, 16-21, 25, 26, and 36-41 are also allowable by virtue of their dependency from Claim 1. Withdrawal of the rejection under 35 U.S.C. § 102(b) is requested.

The Rejections under 35 U.S.C. § 103

Claims 21-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Toledano in view of Whitman. As discussed above, claim 1 is believed to be allowable. Claims 21-24 are also allowable by virtue of their dependency from Claim 1. Withdrawal of the rejection under 35 U.S.C. § 103 is requested.

Claims 27, 28, 30, 32 and 33 are rejected under 35 U.S.C. §103(a) as being unpatentable over Toledano in view of Brinkerhoff patent. Claims 27, 28, 30, 32 and 33 are believed allowable by virtue of their dependency from Claim 1. Withdrawal of the rejection under 35 U.S.C. § 103 is requested.

Claims 29 and 31 are rejected under 35 U.S.C. §103(a) as being unpatentable over Toledano in view of Brinkerhoff, further in view of Pruitt. Claims 27, 28, 30, 32 and 33 are believed allowable by virtue of their dependency from Claim 1. Withdrawal of the rejection under 35 U.S.C. § 103 is requested.

Claim 34 is rejected under 35 U.S.C. §103(a) as being unpatentable over El Gazayerli in view of U.S. Patent Publication 2001/0054636 to Nicolo. Claim 34 is allowable by virtue of its dependency from Claim 1. Withdrawal of the rejection under 35 U.S.C. § 103 is requested.


Conclusion

In view of the foregoing, Claims 1 and 3-41 are believed allowable, and this application is believed to be in condition for formal allowance. Prompt and favorable action is respectfully requested.

Respectfully submitted,

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